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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,884	04/04/2000	Masataka Hamada	32577-20169.00	5975

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ART UNIT

PAPER NUMBER

2613

DATE MAILED: 04/28/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

11

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/542,884	HAMADA, MASATAKA
	<b>Examiner</b>	<b>Art Unit</b>
	Tung T. Vo	2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 April 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination (RCE) under 37 CFR 1.114 was filed in this application on 04/07/03 has been considered, an RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujiwara et al. (US 6,346,949).

Re claims 1, 4, and 8, Fujiwara discloses a camera for getting information upon three dimensional shape, comprising: an image taking device (5 of fig. 1) for taking an image of an object within a region (P1-PK of fig. 1) to be photographed;

a projector (50 of fig. 1) for projecting a pattern light, slit light, on the region, and a monitor (1 of fig. 1) for displaying the image of the object which the image taking device takes (MX of fig. 3), in which the monitor has a memory (30 of fig. 1) for storing the

image of the object the image taking device takes when the projector does not project the pattern of the region (MX of fig. 3);

wherein the image taking device takes a projection pattern which is formed on the object within the region by the pattern light that the projector projects (GX of fig. 3), and

wherein the monitor displays the image, stored in the memory of the object, instead of the image of the object the image taking device takes with the projector projecting the pattern light on the region (col. 3, lines 1-11).

Re claims 2-3, 5-7, 11-13, Fujiwara further teaches wherein the pattern light is not a uniform light and has a distribution of illuminance (Visible light of fig. 1), and the projection pattern which is formed on the object within the region by the pattern light comprises at least one stripe which is slit light; wherein the pattern light comprises a colored light (color image) where the color is defined in a range (col. 3, lines 59-67), and wherein the pattern which is formed on the object within the region by the pattern light comprises a color part (col. 4, lines 1-14).

Re claim 9, Fujiwara further teaches a second memory, memory devices such as hard disk (col. 3, lines 15-16) for storing the image of the object the image taking part takes, wherein the second memory output the image of the object, thus stored to the first memory which is system memory in CPU 1 as shown in the figure 1 successively.

Re claim 10, Fujiwara further teaches the second memory is prohibited from being outputted to the first memory (col. 3, lines 20-27); when image taking part which is two dimensional of the object, takes the image of the object in the state in which the projector projects the light on the points (P1-Pk of fig. 1) of the object (3 of fig. 1) with the predetermined pattern (col. 3, lines 45-58).

***Response to Arguments***

1. Applicant's arguments filed 04/07/03 have been fully considered but they are not persuasive.

The applicant argued that Fujiwara does not disclose or suggest the monitor or display part for displaying an image of the object without the projected light while projecting the light on the object, page 6 of remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Fujiwara discloses the display or monitor (20 of figs. 1 and 3) to display the stored image of the object without the projected light or displays an image of the object without the projected light while the light is projected on the object (col. 3, lines 48-58). This means that the monitor (20) displays the stored image from the memory (30 of fig. 1) while the slit light is illuminating on the object (3 of fig. 1). It is clear that one skilled in the art capably operates the camera (5 of fig. 1) by inputting a command to capture or take the image of the object with the projected light and also controls the monitor (20) for displaying the stored image of the object at the same time, so this strongly suggests that Fujiwara does disclose (1) the memory (30 of fig. 1) for storing an image of the object captured or taken when the projector does not project light on the object; and the monitor or display part (20 of fig. 1) for displaying an image of the object without the projected light, or (3) a monitor or display part (20 of fig. 1) for displaying an image of the object without the projected light while projecting the light on the object; therefore Fujiwara anticipates the claimed features.

***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the previous Office Action, Paper No. 5

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
**TUNG T. VO**  
**PATENT EXAMINER**

Tung T. Vo  
Examiner  
Art Unit 2613

T.Vo  
April 23, 2003